



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार, 31 मार्च, 1998/10 चैत, 1920

हिमाचल प्रदेश सरकार

आबकारी व कराधान विभाग

अधिसूचना

शिमला-3, 30 मार्च, 1998

संख्या 7-51/97-ई० एक्स० एन०-5615-5660.—प्रथम नवम्बर 1966 से ठीक पूर्व हिमाचल प्रदेश में समाविष्ट क्षेत्रों में तथा पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 5 के अधीन हिमाचल प्रदेश में जोड़े गये क्षेत्रों में यथा प्रवृत्त पंजाब आबकारी अधिनियम, 1914 (1914 का पंजाब अधिनियम संख्यांक 1) की धारा 59 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा उक्त अधिनियम की धारा 9 के अधीन और इसके साथ पठित हिमाचल प्रदेश (एक्साईज पावर्ज एण्ड अपील) आर्डरज, 1965 द्वारा मुझ में निहित विस्तारयुक्त की शक्तियों का प्रयोग करते हुये, मैं भीम सैन, आबकारी एवं कराधान आयुक्त, हिमाचल प्रदेश

एतद्वारा हिमाचल प्रदेश लीकर लाईसेंस रूलज 1986 (जिन्हें यहाँ उसके पश्चात "said rules" कहा गया है) में प्रथम अप्रैल, 1998 से निम्नलिखित और संशोधन करता हूँ :—

संशोधन

1. In rule 1 of the said rules, in the part "II-Country Spirit" and in column 2, against the entries "L.14" and "L.14-A", after the words "Country Spirit", the words, the words "and Beer" shall be inserted.

2. In rule 27 of the said rules, for sub-rule (f), the following shall be substituted, namely :—

"(f) Notwithstanding anything contained in sub-rule (a), (b), (c), (d) and (e) of this rule—

(i) an additional license fee at the rate of Rs. 2.00 per unit of 750 millilitres shall be charged from L.14 and L.14-A licensees on country liquor (both annual auctioned quota fixed, and additional/or special quota sanctioned for each vend) meant for sale on such vends;

(ii) an additional license fee at the rate of Rs. 2.00 per unit of 750 millilitres shall be charged —

(a) from L.2 and L.2-A licensees; and

(b) from L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, L.12-A, L.12-B and L.12-C licensees in respect of the sale of such liquor as has been procured by them from sources other than L. 2 vends,

on foreign spirit, including Indian Made Foreign Spirit (excluding Beer) meant for sale on these vends:

(iii) the additional licence fee specified in clauses (i) and (ii) of this sub-rule shall be payable by the licencees into the Government Treasury before obtaining the passs for liquor.

(iv) Every Excise and Taxation Inspector, Incharge of the Circle shall—

(a) maintain a register in form L. 22-A showing the quantity of Foreign Spirit including Indian Made Foreign Spirit and country spirit issued for sale, amount of additional licence fee payable amount of additional licence fee recovered by him during each month :

(b) submit by the 7th of May and 7th of every subsequent month the statement in form L. 22-A showing complete particulars therein, to the Assistant Excise and Taxation Commissioner or Excise and Taxation officer, Incharge of the district; and

(c) be responsible for recovery of additional licence fee in respect of all the concerned vends in his circle.

(v) The Financial Commissioner may order the utilization of not more than one-half of the collections of additional licence fee in the manner approved by the Government.

3. In rule 38 of the said rules—

(a) for clauses (d) and (e) of sub-rule (1) of rule 38 of the said rules, the following clauses (d), (e), (f) and (g) shall be substituted, namely :—

"(d) The licensee shall not sell any brand of liquor (excluding the imported foreign liquor) whether obtained from Himachal Pradesh or from outside it unless such brand has been registered with the Financial Commissioner and has been allotted a registration number.

- (e) The brands shall be registered on payment of Rs.7, 500- per brand in case of all such liquor excluding imported foreign liquor, wine and cider and in case of wine and cider on payment of Rs.100 -.
- (f) It will be obligatory for the licensee to get the brands registered under clauses (d) and (e) of this sub-rule renewed each year before 15th day of April on payment of fee specified in clause (e) of this sub-rule.
- (g) No passes for sale of un-registered brands of the liquor specified in clause (e) of this sub-rule shall be issued and no passes for the sales of brands registered but not renewed before 15th day of April shall be issued.”; and
- (b) in part (b) of the proviso to sub-clause (ii) of clause (a) of sub-rule (20), for the word, signs and figure “Re. 0.60”, the word, signs and figure “Re. 0.70” shall be substituted.

4. In the said rules, in Schedule ‘A’,—

- (i) in item No. 4, for the figures and signs “60,000/-”, “60,000/-”, “30,000/-” and “15,000/-” appearing in column No.3 against sub-items ‘(A)’, ‘(B)’, ‘(C)’ and ‘(D)’, the figures and signs “66,000/-”, “66,000/-”, “33,000/-” and “16,150/-” shall be respectively substituted:
- (ii) in item No. 5, for the figures and signs appearing in column No. 3 “10,000/-” and “7,000/-”, appearing against sub-items (a) and (b), the figures and signs “11,000/-” and “7,700/-” shall be respectively substituted:
- (iii) in item No. 6—
 - (a) in column No.2 before the letters, signs and figure “L. 9-A”, the letter, signs, figure and word “L.9 and” shall be added; and
 - (b) in column No.3, for the figure and sign the following shall be substituted, namely:—
 - (a) Rs.1,000/- for L. 9 and
 - (b) Rs.1,500/- for L. 9-A” and

- (iv) item 18 shall be omitted and thereafter the following Explanation shall be added, namely :—

“Explanation.—The rates of fixed fee in respect of L.1, L.1-AA, L.1-B and L.13 (granted to a distillery/bonded warehouse/bottling plant or storage and sale of country liquor) shown in column 3 of this Schedule are the minimum rates of licence fee. In case of Increase in the rates of excise duty (counter-vailing duty or excise duty) the licensee shall pay further licence fee above these minimum rates to be calculated, on the quantity of liquor remaining unsold on 31st March each year, at the rate equal to the difference attributable to such increase. The rates of fixed fee shall be determined accordingly.

5. In Schedule ‘B’ appended to the said rules,—

- (a) in Sl.No. 1, under columns 3,4,5,6,7,8, and 9, for the figures “63.75”, “90.00”, “9.40”, “0.65”, “1.90”, “2.25” and “3.00”, the figures “70.13”, “99.00”, “10.35”, “0.70”, “2.10”, “2.50” and “3.30” shall be respectively substituted; and
- (b) in Sl.No. 2 under columns 3,4,5,6,7,8 and 9, for the figures “25.00”, “40.00”, “6.25”, “0.65”, “1.20”, “1.00”, “1.25”, the figures “27.50”, “44.00”, “6.90”, “0.70”, “1.35”, “1.10” and “1.40” shall be respectively substituted; and
- (c) in Sl. No. 3 under columns 3,4,5,6,7,8, and 9, for the figures “37.50”, “60.00”, “9.40”, “0.65”, “1.90”, “1.50” and “1.90”, the figures “41.25”, “66.00”, “10.35”, “0.70”, “2.10”, “1.65” and “2.10” shall be respectively substituted.

6. In the said rules, in form L.22-A,—

- (i) for the words, figures, brackets and letter “See rule 27 (f) (vi) and (ii)”, the words, figure, brackets and letter “See rule 27 (f)” shall be substituted; and
- (ii) in the heading for the words and sign “Register of sales of Foreign Spirit, Country Spirit”, the words “Register of Foreign Spirit and Country Spirit issued/meant for sale” shall be substituted.

BHIM SEN,
Excise and Taxation Commissioner,
Himachal Pradesh.

(Authoritative English text of Excise and Taxation Department Himachal Pradesh Notification No. 7-51/97-EXN-5615-5660 dated 30-3-98 as required under Clause (3) of Article 348 of the Constitution of India.)

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Shimla-3, the 30th March, 1998

No.7-51/97-EXN-5615-5660.—In exercise of the powers conferred by section 59 of the Punjab Excise Act, 1914 (1 of 1914) as in force in the areas comprised in Himachal Pradesh, immediately before 1st November, 1966, and the territories transferred to Himachal Pradesh, under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) and by virtue of the powers of the Financial Commissioner, conferred on me under section 9 of the said Act, read with Himachal Pradesh (Excise Powers and Appeal) Orders, 1965, I, Bhim Sen, Excise and Taxation Commissioner, Himachal Pradesh, hereby order the following further amendments in the Himachal Pradesh Liquor License Rules, 1986 as amended from time to time (hereinafter called the ‘said rules’) with effect from 1st April, 1998 :—

AMENDMENTS

1. In rule 1 of the said rules, in the part “II-Country Spirit” and in column 2, against the entries “L.14” and “L.14-A”, after the words “Country Spirit”, the words, the words “and Beer” shall be inserted.

2. In rule 27 of the said rules, for sub-rule (f), the following shall be substituted, namely:—

- “(f) Notwithstanding anything contained in sub-rule (a), (b), (c), (d) and (e) of this rule—
- (i) an additional license fee at the rate of Rs. 2.00 per unit of 750 millilitres shall be charged from L.14 and L.14-A licensees on country liquor (both annual auctioned quota fixed, and additional or special quota sanctioned, for each vend) meant for sale on such vends;
 - (ii) an additional license fee at the rate of Rs. 2.00 per unit of 750 millilitres shall be charged —
 - (a) from L.2 and L.2-A licensees; and
 - (b) from L.3, L.4, L.5, L.3-A, L.4-A, L.5 -A, L.12-A, L.12-B and L.12-C licensees in respect of the sale of such liquor as has been procured by them from sources other than L.2 vends, on foreign spirit, including Indian Made Foreign Spirit (excluding beer) meant for sale on these vends;

- (iii) the additional licence fee specified in clauses (i) and (ii) of this sub-rule shall be payable by the licencees into the Government Treasury before obtaining the pass for liquor;
- (iv) Every Excise and Taxation Inspector, Incharge of the Circle shall —
 - (a) maintain a register in form L.22-A showing the quantity of Foreign Spirit including Indian Made Foreign Spirit and country spirit issued for sale, amount of additional licence fee payable, amount of additional licence fee recovered by him during each month;
 - (b) submit by the 7th of May and 7th of every subsequent month the statement in form L.22-A showing complete particulars therein, to the Assistant Excise and Taxation Commissioner or Excise and Taxation Officer, Incharge of the district; and
 - (c) be responsible for recovery of additional licence fee in respect of all the concerned vends in his Circle.
- (v) The Financial Commissioner may order the utilization of not more than one-half of the collection of additional license fee in the manner approved by the Government.

3. In rule 38 of the said rules —

- (a) for clauses (d) and (e) of sub-rule (1) of rule 38 of the said rules, the following clauses (d), (e), (f) and (g) shall be substituted, namely :—
 - (d) The licensee shall not sell any brand of liquor (excluding the imported foreign liquor) whether obtained from Himachal Pradesh or from outside it unless such brand has been registered with the Financial Commissioner and has been allotted a registration number.
 - (e) The brands shall be registered on payment of Rs.7,500 - per brand in case of all such liquor excluding imported foreign liquor, wine and cider and in case of wine and cider on payment of Rs. 100/-.
 - (f) It will be obligatory for the licensee to get the brands registered under clauses (d) and (e) of this sub-rule renewed each year before 15th day of April on payment of fee specified in clause (e) of this sub-rule.
 - (g) No passes for sale of un-registered brands of the liquor specified in clause (e) of this sub-rule shall be issued and no passes for the sales of brands registered but not renewed before 15th day of April shall be issued.”; and
- (b) in part (b) of the proviso to sub-clause (ii) of clause (a) of sub-rule (20), for the word, signs and figure “Re.0.60”, the words, signs and figure “Re. 0.70” shall be substituted.

4. In the said rules, in Schedule ‘A’,—

- (i) in item No.4, for the figures and signs “60,000”/-, “60,000/-”, “30,000/-” and “15,000/-” appearing in column No.3 against sub-items ‘(A)’, ‘(B)’, ‘(C)’, and ‘(D)’, the figures and signs “66,000/-”, “66,000/-”, “33,000/-” and “16,150/-” shall be respectively substituted;
- (ii) in item No.5, for the figures and signs appearing in column No. 3 “10,000/-” and “7,000 -”, appearing against sub-items (a) and (b), the figures and signs “11,000/-” and “7,700/-” shall be respectively substituted.
- ((iii) in item No. 6—
 - (a) in column No.2 before the letters, signs and figure “L.9-A.”, the letter, signs, figure and word “L.9 and” shall be added; and
 - (b) in column No.3, for the figure and sign the following shall be substituted, namely:—
 - (a) Rs.1,000 - for L.9 and
 - (b) Rs.1,500 - for L.9-A” and

- (iv) item 18 shall be omitted and thereafter the following Explanation shall be added, namely :—

*“Explanation.—*The rates of fixed fee in respect of L.1, L.1-AA, L.1-B and L.13 granted to a distillery bonded warehouse bottling plant for storage and sale of country liquor shown in column 3 of this Schedule are the minimum rates of licence fee. In case of increase in the rates of excise duty (countervailing duty or excise duty) the licensee shall pay further licence fee above these minimum rates to be calculated, on the quantity of liquor remaining unsold on 31st March each year, at the rate equal to the difference attributable to such increase. The rates of fixed fee shall be determined accordingly

5 In Schedule 'B' appended to the said rules .—

- (a) in Sl No 1, under columns 3,4,5,6,7,8, and 9 for the figures “63.75”, “90.00”, “9.40”, “0.65”, “1.90”, “2.25” and “3.00”, the figures “70.13”, “99.00”, “10.35”, “0.70”, “2.10”, “2.50” and “3.30” shall be respectively substituted; and
- (b) in Sl. No. 2 under columns 3,4,5,6,7,8 and 9, for the figures “25.00”, “40.00”, “6.25”, “0.65”, “1.20”, “1.00”, “1.25”, the figures “27.50”, “44.00”, “6.90”, “0.70”, “1.35”, “1.10” and “1.40” shall be respectively substituted; and
- (c) in Sl.No. 3 under columns 3,4,5,6,7,8 and 9, for the figures “37.50”, “60.00”, “9.40” “0.65”, “1.90”, “1.50” and “1.90”, the figures “41.25”, “66.00”, “10.35”, “0.70”, “2.10”, “1.65” and “2.10” shall be respectively substituted.

6. In the said rules, in form L.22-A,—

- (i) for the words, figures, brackets and letter “See rule 27 (f) (vi) and (ii)”, the words, figure, brackets and letter “See rule 27 (f)” shall be substituted; and
- (ii) in the heading for the words and sign “Register of sales of Foreign Spirit, Country Spirit”, the words “Register of Foreign Spirit and Country Spirit issued menat for sale” shall be substituted.

BHIM SEN,
Excise and Taxation Commissioner,
Himachal Pradesh.